

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
Civil Action No.: 3:12-CV-560-GCM-DSC

DEBORAH ANDERSON,

Plaintiff,

Vs.

OFFICE DEPOT, INC.,

Defendant,

And

OFFICE DEPOT, INC.,

Third-Party Plaintiff,

Vs.

AMERICAN FURNITURE
LIQUIDATORS, INC.,

Third-Party Defendant.

ORDER

Upon the Motion for Default Judgment filed by Office Depot, Inc. (“Office Depot”) against American Furniture Liquidators, Inc. (“AFL”), and pursuant to Federal Rule of Civil Procedure 55(b)(2), the Court finds that there is an Entry of Default against AFL [DE-19] for failure to plead or otherwise respond, that AFL is not a minor or incompetent person, and that AFL has not appeared in this action, personally or by representative.

The Court further finds that should Office Depot be found to be negligent, which Office Depot denies, that AFL was also negligent; that, should such negligence be found, that Office Depot and AFL are jointly and severally liable; that Office Depot’s negligence, should Plaintiff

be entitled to recover, was passive; and that AFL's negligence, as alleged in Office Depot's Third-Party Complaint, was active.

It is therefore ORDERED that JUDGMENT by default is entered against American Furniture Liquidators, Inc. entitling Office Depot, Inc. to indemnification from American Furniture Liquidators, Inc. for any and all damages to which Plaintiff may be entitled.

SO ORDERED.

Signed: June 25, 2013

A handwritten signature in black ink, reading "Graham C. Mullen", written over a horizontal line.

Graham C. Mullen
United States District Judge

